

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

**Samuel A. Ashley, Jr.,  
Petitioner**

**-vs-**

**Case No. 1:02-cr-22 (1:04-cv-689)**

**United States of America,  
Respondent**

**JUDGMENT**

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**X Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED that:**

Petitioner's petition to vacate his convictions and sentence pursuant to 28 U.S.C. § 2255 (Doc. Nos. 103, 116 and 124) is **DENIED** with prejudice.

A certificate of appealability will issue with respect to Petitioner's claims of ineffective assistance of counsel (B)(1)(a) and (b), (2) & (3) ONLY. A certificate of appealability will not issue with respect to any of Petitioner's other claims for relief because, for the foregoing reasons, Petitioner has failed to make a substantial showing of the denial of a federal constitutional right remediable in this proceeding. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

With respect to any application by petitioner to proceed on appeal *in forma pauperis*, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order would be taken in "good faith," only as to those issues enumerated supra and therefore **GRANTS** Petitioner leave to appeal *in forma pauperis* ONLY as to those issues. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6<sup>th</sup> Cir. 1997).

Date: January 9, 2006

James Bonini, Clerk

By: s/Mary C. Brown  
Mary C. Brown, Deputy Clerk